THE

# MYSORE GAZETTE.

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# PART I.

## Notifications by the Chief Commissioner of Mysore.

### GENERAL DEPARTMENT.

NOTIFICATIONS.

*The 23rd January* 1880.

No. 278.—The following Notification of the Government of India, inviting attention to the Revised Rules regarding Subsidiary Leave and Joining Time, is re-published for general information, together with Addenda and Corrigenda to the Codes of the Department of Finance relating thereto.

2. Special attention is also invited to the amendments to section 35 of the Civil Leave Code under which Subsidiary Leave is now calculated on the same terms as Joining Time, and to Chapter IX, Rule 3, which materially curtails the time allowed as Joining Time.

Department of Finance and Commerce, No. 3., dated Fort William, the 3rd January. 1880.

Attention is invited to the Revised Rules regarding Subsidiary Leave and Joining Time, circulated in No. 90 of the Addenda and Corrigenda to the Codes of the Financial Department. Under those Rules the duration of Subsidiary Leave will be fixed automatically; and unless some exceptional concession is required, no orders granting such leave will be required from the Local Government.

ADDENDA AND CORRIGENDA TO THE CODES OF THE DEPARTMENT OF FINANCE, 4TH EDITION.

The Governor General in Council has made the following Addenda and Corrigenda to the Codes of the Department of Finance :—

No. 90.

C. L. C.

*Page* 150.

*Insert*—

*Section* 25 A.*—Saving as provided in Section 37, Furlough and Special Leave out of India begin on and include the day of the departure of the vessel in which the Officer sails, and end on and include the day before the arrival of the vessel in which the Officer returns.

Date of beginning and ending of Furlough and Special Leave.

1. *An Officer may leave India, or return to India, by any port; but his Furlough or Special Leave begins on the vessel's departure from the port where he first meets it, and ends the day before its arrival at the port where he last quits it.

Port of embarkation and of debarkation.

*Example.*—The Furlough or Special Leave of an Officer sailing from Calcutta in a vessel which touches at Madras, begins on the departure of the vessel from Calcutta, and not from Madras.

2. *The date of the departure of a vessel in charge of a pilot is the date on which the pilot leaves it at sea; and the date of the arrival of a vessel in charge of a pilot is the date on which the pilot is taken on board.

Pilot.

3. *†An Officer serving in Persia or Arabia may leave the country in which he is serving, or return to it, by any port or frontier town except Aden. The date of his departure or return must be certified by the British Consul, or, if there be no British Consul, by the Officer himself.

Persia or Arabia.

4. *An Officer taking Furlough or Special Leave out of India must report his embarkation to the Local Government which granted his leave, and his arrival in England, to the Secretary of State.

Report of departure or arrival.

5. ‡The grant by the Secretary of State to an Officer on leave, of permission to return to duty by a particular vessel, is equivalent to an extension of his leave, without prejudice to his appointment, until the day on which the vessel arrives, but does not give him any claim to allowances not admissible by Rule. (90)

Return by particular vessel.

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*Substitute the following for Chapter VI to end of Section* 37 :—

*Pages* 152 *to* 155.

SUBSIDIARY LEAVE OF ABSENCE.

*Section* 34.*—(*a*) SUBSIDIARY LEAVE is the time allowed—

Purpose for which Subsidiary Leave is allowed.

(1) to an Officer leaving India, on retiring from the Service, or on Furlough or Special Leave, to break up his domestic establishment and travel to the port of embarkation, and

(2) to an Officer returning to India from Furlough or Special Leave to travel from the port of debarkation and re-organize his domestic establishment.

(*b*) The grant to an officer leaving India—

(1) of permission to retire from the Service, or
(2) of Furlough or Special Leave out of India, carries with it the grant of Subsidiary Leave, including, in Case (2), Subsidiary Leave on his return to duty.

Grant implied in the grant of permission to retire, or of Furlough or Special Leave.

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* Applies to a Military Officer subject to Military Rules.
† Applies to all officers who are subject to the Rules in the Supplement to this Code excepting Supplement F.
‡ Applies to all officers.

Military Officer subject to Military Rules.

1. With the previous consent of the Government of India, or as the case may be, of the Government of Madras or Bombay, in the Military Department, Subsidiary Leave preparatory to his retirement from the Service may be granted to a Military Officer subject to Military Rules.

Leave to cease on resignation.

2. *The Subsidiary Leave of an Officer ceases when he actually resigns the Service.

Detention for medical observation.

3. *If a Medical Board or Officer detains an applicant under observation, under Section 51, Rule 9, before finally granting or refusing a medical certificate, the Medical Board or Officer should give a certificate to the applicant as follows:—

A B having applied to us (or me) for a medical certificate under Section 51, Rule 8 of the Civil Leave Code, we (or I) consider it expedient before granting or refusing such a certificate to A B to detain him under professional observation for x days.

If the applicant appears before the Medical Board or Officer during his Subsidiary Leave, the effect of this certificate will be to prolong his Subsidiary Leave to the date on which the period mentioned in the certificate expires.

How calculated.

*Section* 35.*—The minimum Subsidiary Leave is ten days; otherwise, Subsidiary Leave is calculated as Joining Time is calculated (*Rule* 3, *Chapter IX*).

Failure to obtain medical certificate.

*Section* 36.*—If an Officer eventually fails to obtain the medical certificate required by Section 51, Rule 8 or 11, he is entitled to Joining Time from the date on which the decision of the Medical Board or Officer is communicated to him, to enable him to return to his appointment. During this Joining Time, his allowances are regulated as if he was on Subsidiary Leave.

Not admissible except with Furlough or Special Leave out of India.

*Section* 37.*—An Officer may take Furlough or Special Leave, partly in, and partly out, of India. But Subsidiary Leave is not admissible unless the Furlough or Special Leave begins, or, as the case may be, ends, as Furlough or Special Leave out of India.

Exception.

*Proviso.*—If an Officer going on Furlough or Special Leave out of India, is prevented by sickness or other urgent and adequate reason not within his own control, such, for example, as the postponement of the departure of the vessel in which his passage is engaged, from embarking within his Subsidiary Leave, the Local Government may order that his Furlough or Special Leave shall begin in India at the end of his Subsidiary Leave, without forfeiture of his Subsidiary Leave.

1. *In the absence of such special order, if an Officer remains in India after the end of Subsidiary Leave, his Furlough or Special Leave dates from the beginning of his Subsidiary Leave.

Not ordinarily admissible in the case of premature return to duty.

2. †An Officer returning to India, without the permission of the authority which granted him leave, more than fourteen days before the end of his Furlough or Special leave, is not entitled to Subsidiary Leave, save under the special orders of the Local Government.

Military Officer subject to Military Rules.

3. A Military Officer subject to Military Rules is not entitled to Subsidiary Leave without the orders of the Government of India, or, as the case may be, the Government of Madras or Bombay, in the Military Department. If Subsidiary Leave is granted to such an officer, it is calculated by the Rules in this Chapter, and his allowances during such Leave are regulated as if he were subject to Civil Rules.

*Provisos*—

i. If, under the action of the Leave Rules, such an officer have lost his lien on his appointment, he draws allowances under Military Rules during his Subsidiary Leave.

ii. His allowances on Subsidiary Leave must not be less than his allowances during the furlough to which the leave is subsidiary.

(*Note.*—The Subsistence Allowance of a Military Officer subject to Military Rules is that prescribed in Rule 1, under Section 30.) (90)

* Applies to a Military Officer subject to Military Rules.
† Applies to all officers, including Military Officers subject to Military Rules.

*Section* 38.

*Page* 155.

*After* "34" *add* "(*a*) (1)." (90)

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*Section* 39.

*For* "35" *substitute* "34 (*a*) (2)." (90)

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*Page* 156.

*Cancel Section* 40 (*a*) 2 *and* (*d*) 2. (90)

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*Section* 40 (*d*) 1.
*Page* 156.

*After* "34" *add* "(*a*) (1)." (90)

*After* "were not" *add* "retiring from the service, or" (90)

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*Section* 47.
*Page* 163.

*For* "Sections 34 and 35" *substitute* "Section 34." (90)

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*Section* 50.
*Page* 172.

*Cancel Rule* 6, *and the last two sentences of Rule* 8. (90)

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*Rule* 10.
*Page* 173.

*For* "35" *substitute* "34 (*a*) (2)."
*Before* "Leave" *in the last line add* "Furlough or Special."

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*Page* 173.

*Cancel Rule* 12. (90)

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*Section* 51, *Rule* 9.
*Page* 175.

*For* "4" *substitute* "3" and for "35" *substitute* "34." (90)

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*Section* 51.
*Page* 176.

*Cancel Rule* 21. (90)

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*Supplement E.*
*Page* 241.

*Insert*—

Beginning and ending of Furlough or Special Leave.

*Section* 8*A*.—The beginning and ending of a Chaplain's Furlough and Special Leave are regulated by the Rules of the Code (90)

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*For Section* 10, *and Rules under it, substitute*—

Subsidiary Leave.

*Section* 10.—A Chaplain is entitled to Subsidiary Leave under the Rules in the Code (90)

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*Section* 11, *Rule* 1.
*Page* 242.

*For* "under Clause (*a*) of Section 10" *substitute* "preparatory to retiring from the service or going on Furlough or Special Leave." (90)

*After* "not" *add* "retiring from the service or" (90)

*Supplement F.*

*Page* 250.

*Substitute for Section* 11—

*Section* 11.—An Officer going on or returning from Leave out of India on Medical Certificate, Leave on Private Affairs, or Furlough, or going on or returning from Leave on Medical Certificate to a Sanitarium, is entitled to Subsidiary Leave under the Rules in the Code. (90)

Subsidiary Leave.

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*Section* 12, *Rule* 1.

*Page* 250.

*Strike out* "Section 35, Rule 1, and."

*Add Rule* 2 *as follows* :—

2. Subsidiary Leave on half-pay for a period not exceeding fourteen days may be given to an Officer preparatory to his retirement from the Service, provided that the grant causes no additional expense on the State. (90)

Subsidiary Leave preparatory to retirement.

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CHAPTER IX.

*Pages* 161 *and* 162.

*Substitute for Rules* 2—5.

2. Only one day is allowed for joining an appointment which does not, necessarily, involve a change of residence.

Period admissible.

3. Otherwise, Joining Time is calculated as follows :—

Six days for preparation; and, in addition thereto,—

| for the portion of the journey which the Officer travels or might travel— | a day for each— |
|---|---|
| by Railway or Ocean Steamer ... | ... 200 miles. |
| by River Steamer or Mail Cart or other public stage conveyance drawn by horses ... | ... 100 ,, |
| in any other way ... ... | ... 30 ,, |

Provisos—

i.—The maximum Joining Time is thirty days: the following provisos are all subject to this maximum.

ii.—When part of the journey is by steamer, the days intervening between the Officer being set free from his office, or, if he has no office, receiving his orders, and the departure of the steamer, or his start duly regulated to catch the steamer, shall be added to the time calculated under Rule 3.

iii.—By whatever route the Officer travels, his Joining Time shall, unless the Local Government specially permit otherwise, be calculated by the route which travellers habitually use.

iv.—If the Officer can satisfy his new Departmental Superior that, notwithstanding due diligence on his part, the journey has occupied altogether more time than is allowed by the Rules, the time actually occupied may be allowed.

v.—On being satisfied that the Rules have, in any particular case, operated hardly, as for example, if an Officer has, through no default on his part, missed a steamer, or fallen sick on the journey, the Local Government may allow concessions in excess of what is admissible by the Rules, on such conditions as to allowances or otherwise, as it may think fit. Such concessions must not be made as a mere indulgence or otherwise than because the Rules do not appear to provide reasonably and equitably for the case.

vi.—The extra Joining Time allowed under Proviso iv or v shall never exceed—
(*a*) half the Joining Time admissible by Rule; and
(*b*) fifteen days.

vii.—The Accountant General, as defined in Section 84, Rule 2 of the Civil Pension Code, shall bring to the notice of the Local Government any concession made under Proviso iv which seems to him improper or unreasonable, and shall move the Local Government to report to the Government of India any concession made under Proviso v which appears to him contrary to the spirit of that Proviso. The Local Government may not in either case finally overrule the Accountant General without a reference to the Governor General in Council.

4. The Joining Time of an Officer whose appointment is changed while he is in transit from one appointment to another, begins on the day following that on which he receives his orders. (90)

Change of appointment during transit.

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*The 28th January* 1880.

No. 279.—A reward of Rs. 500 is offered for any information leading to the apprehension and conviction of the ring-leader of the gang of dacoits who have committed several dacoities between the 1st and 20th January 1880, in the Túmkúr and Chitaldroog Districts.

Rewards of Rs. 20 for each member of the gang will also be given to any person or persons who will give information that will lead to the capture and conviction of such members of the gang.

In addition to the above, a reward of Rs. 500 for the ring-leader and Rs. 20 for each member of the gang will be given to the person or persons who actually capture the ring-leader or any member or members of the gang aforesaid.

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*The 24th January* 1880.

No. 280.—Mr. T. Raghavendra Rao, Officiating Assistant Commissioner, delivered over, and D. Appu Rao, Amildar, received, charge of the Revenue Assistant Commissioner's Office, Kadur District, on the forenoon of the 16th January 1880.

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*The 28th January* 1880.

No. 281.—Mr. K. Mahomed Ali, Assistant Commissioner, Kadur District, is granted leave of absence on medical certificate for one month, in extension of that sanctioned in Chief Commissioner's Notification No. 264, dated 10th January 1880.

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*The 29th January* 1880.

No. 282.—A. Raghavendra Rao, Amildar and 3rd Class Magistrate, Channagiri Taluk, Shimoga District, is invested with the additional powers referred to in clause (*a*) of section 23 of the Code of Criminal Procedure, *viz* :—

(1) Power to hold inquests (section 135).
(2) Power to entertain complaints of offences in cases in which he has jurisdiction to try or to commit for trial (section 141).
(3) Power to commit for trial (section 143).
(4) Power to issue order to prevent obstruction, &c., (section 518).
(5) Power to issue order prohibiting repetition of nuisance (section 519).

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*The 30th January* 1880.

No. 283.—The following transfers of Munsiffs are ordered :—

| | From— | To— |
|---|---|---|
| M. Annaji Rao .. .. | Ságar | .. Challakere. |
| Khadar Mohadin .. .. | Challakere | .. Kadur. |
| P. Venkat Rao .. .. | Kadur | .. Chikmagalur. |

By Order,
W. J. CUNINGHAM,
*Secretary.*